

MELODY A. KRAMER, SBN 169984  
KRAMER LAW OFFICE, INC.  
9930 Mesa Rim Road, Suite 1600  
San Diego, California 92121  
Telephone (858) 362-3150

J. MICHAEL KALER, SBN 158296  
KALER LAW OFFICES  
9930 Mesa Rim Road, Suite 200  
San Diego, California 92121  
Telephone (858) 362-3151

Attorneys for Plaintiff JENS ERIK SORENSEN,  
as Trustee of SORENSEN RESEARCH AND  
DEVELOPMENT TRUST

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

16	JENS ERIK SORENSEN, as Trustee of	) Case No. CV 07 cv 05568 JSW
17	SORENSEN RESEARCH AND	)
18	DEVELOPMENT TRUST,	) <b>DECLARATION OF MELODY A.</b>
19	Plaintiff	) <b>KRAMER IN SUPPORT OF</b>
20	v.	) <b>PLAINTIFF'S REPLY TO</b>
21	DIGITAL NETWORKS NORTH	) <b>DEFENDANTS' OPPOSITION TO</b>
22	AMERICA, INC., a Delaware	) <b>PLAINTIFF'S MOTION FOR</b>
23	corporation; LEGACY SUPPORT	) <b>PARTIAL LIFT OF STAY AS TO</b>
24	SERVICES, LTD. d/b/a S2G; and DOES	) <b>DEFENDANT LEGACY SUPPORT</b>
25	1-100,	) <b>SERVICES FOR PURPOSES OF</b>
26	Defendants.	) <b>ENTERING DEFAULT</b>
27		)
28		)
		)

Date: June 13, 2008  
Time: 9:00 a.m.  
Courtroom 2, 17<sup>th</sup> Floor  
Judge: Hon. Jeffrey S. White

1 I, MELODY A. KRAMER, declare:

2 1. I am not a party to the present action. I am over the age of eighteen. I  
3 have personal knowledge of the facts contained within the following paragraphs, and  
4 could and would competently testify thereto if called as a witness in a court of law.

5 2. At all times relevant herein I have been an attorney for Sorensen  
6 Research and Development Trust ("Sorensen"), Plaintiff in the above-captioned  
7 matter.

8 3. This declaration is made in support of Plaintiff's Reply To Defendants'  
9 Opposition To Plaintiff's Motion For Partial Lift Of Stay As To Defendant Legacy  
10 Support Services For Purposes Of Entering Default.

11 4. Defendant Legacy Support Services never appeared in this case in any  
12 shape or form until April 30, 2008 by co-filing an Opposition to Plaintiff's Motion  
13 for Partial Lift of Stay.

14 5. There has been no suggestion, formal or informal, written or oral, prior  
15 to the filing of Plaintiff's Motion for Partial Lift of Stay that Legacy was represented  
16 by the same lawyers as DNNA or that any appearance or filings by DNNA were  
17 intended to have been made by Legacy.

18 6. Defense counsel has misstated my position on this matter by  
19 referencing my letter dated April 16<sup>th</sup> and Mr. Rohde's response letter, but not  
20 including my April 21<sup>st</sup> letter in which I corrected Mr. Rohde's misstatements.  
21 Attached hereto as Exhibit A is a true and correct copy of my letter dated April 21<sup>st</sup>,  
22 2008.

23 I declare under penalty of perjury under the laws of California that the  
24 foregoing is true and correct.

25 EXECUTED on May 7, 2008, at San Diego, California.

26 /s/ Melody A. Kramer

27 \_\_\_\_\_  
28 Melody A. Kramer, Esq.  
Attorney for Plaintiff

## **EXHIBIT A**

**Kramer Law Office, Inc.**

9930 Mesa Rim Rd., Ste. 1600  
San Diego, California 92121  
Phone 858/362-3150  
Fax 858/824-9073

---

**Melody A. Kramer, Esq.**  
mak@kramerlawip.com

April 21, 2008

Kurt Rohde  
McConnell Boehnen et al  
300 South Wacker Drive  
Chicago, IL 60606

RE: Sorensen Research & Development Trust v. Digital Networks North America, Inc., et al, Case No. cv074468, Northern District of California

Dear Mr. Rohde:

I am in receipt of your letter dated today. Apparently you did not read my letter closely. It is not my contention that the Court made an error in its order, except to the extent that it did not correct a typographical error in the proposed order that DNNA sent to the Court.

Document # 33 is unambiguous in its identification of the "Defendant" as Digital Networks North America, Inc. and none other. See the first sentence. You simply cannot make a good faith argument that the typographical errors should be construed in favor of a defendant who made no appearance, but is currently represented by the same counsel as the party who drafted the order.

Furthermore, although you claim that Legacy relied on DNNA's typographical errors in that Order, there is no legitimate basis for that claim. The only way that argument would make sense was if your office was secretly representing Legacy in every document that it filed which explicitly and repeatedly represented itself as representing DNNA and only DNNA. I could not even find any reference to Legacy being noticed on any of DNNA's motions.

On the day of our phone conversation, I gave you the benefit of the doubt that you had just overlooked the specific context in which the Order in question was issued. It is now clear that you are, in fact, trying to make arguments that are unsupported by fact or law.

Mr. Rohde  
May 7, 2008  
Page 2

Let me again be clear. I consider it to be a Rule 11 violation for you to make an argument to the Court that contradicts every single written and oral representation, formal and informal, previously made to us and the Court regarding who your office represented and upon whose behalf arguments were made. If your office had any intention for DNNA's motions for extension, motion for stay, or resulting orders to accrue to the benefit of Legacy, you were grossly misrepresenting your intent at the time both to Plaintiff and to the Court.

I will expect you and your colleagues to drop this frivolous argument.

Sincerely,

Melody A. Kramer